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LETTER DATED 18 JUNE 1999 FROM THE PERMANENT REPRESENTATIVE OF ERITREA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to forward the attached letter from His Excellency Mr. Haile Weldensae, Minister for Foreign Affairs of the State of Eritrea, written yesterday, 17 June and addressed to you (see annex).

I should be grateful if you would kindly circulate the present letter and its annex as a document of the Security Council.

(Signed) Haile MENKERIOS
Ambassador
Permanent Representative

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Annex

Letter dated 17 June 1999 from the Minister for Foreign Affairs of Eritrea addressed to the President of the Security Council

With my respects to you and the other members of the Security Council, and our appreciation of the Council's concern to settle peacefully the conflict between Ethiopia and Eritrea, I wish to set the record straight and clarify the facts concerning the peaceful process outlined in the Organization of African Unity (OAU) Framework and reaffirm Eritrea's commitment to that process.

In a letter dated 14 June 1999 to the President of the Security Council (S/1999/678), Ethiopia's Foreign Minister accuses Eritrea of "obstructing peace and the implementation of the OAU Framework". The Ethiopian Foreign Minister further claims that the OAU High-Level Delegation has pronounced a "new clarification" on "Badme and environs" that is consonant with Ethiopia's "interpretation".

As you will recall, Eritrea had submitted to the Security Council, in its letter of 12 March 1999 (S/1999/274), the written clarifications that the OAU High-Level Delegation provided it with on 26 January 1999. The clarification was unequivocal on several points. Thus, "Environs refers to the area surrounding Badme Town". In regard to redeployment, the clarification reads: "The redeployment is of Eritrean troops from Badme Town and its environs. This should be immediately followed by the demilitarization of the entire border, through the redeployment of the forces of both parties along the entire border, to positions to be determined subsequently, as part of the implementation process of the Framework Agreement". Indeed, it was on the basis of the clarifications provided to it in writing that Eritrea accepted in good faith the OAU Framework Agreement.

The 11-point Framework Agreement is unambiguous, and its most essential contents may be condensed into the following five sequential measures:

- Formal acceptance of the Framework Agreement by both sides;
- Formal cessation of hostilities;
- Eritrean forces to redeploy from Badme and environs as a mark of goodwill and consideration to OAU;
- The demilitarization of the entire border through the redeployment of the forces of both parties along the entire border as part of the implementation process of the Framework Agreement;
- Demarcation of the boundary within a period of six months.

Eritrea officially announced its formal acceptance of the Framework Agreement by its letter of 27 February to the current Chairman of OAU and the United Nations Secretary-General. Eritrea has again reiterated its full commitment to the Agreement and readiness to implement all its provisions, by

its public pronouncements as well as letters from President Isaias to President Blaise Compaore when the envoy of President Compaore and the envoy of the Secretary-General visited Asmara towards the end of April.

In the event, the Framework Agreement remains blocked and peace is being kept hostage only because Ethiopia has reneged on its earlier commitment by putting forth new preconditions.

Ethiopia's Foreign Minister once again restated Ethiopia's preconditions when he stated in his letter: "... The bottom line for Ethiopia is that Eritrea should and must withdraw from all occupied Ethiopian territories and that the Ethiopian administration - forcefully uprooted - should be restored. That is what the OAU Framework required of Eritrea. ... Any interpretation of the OAU Framework Agreement that suggests that Eritrea would withdraw from territories it occupied in May but retain those it occupied in June cannot be taken seriously".

Ethiopia's Foreign Minister is clearly reading from a new script. The OAU Framework Agreement was endorsed by the Central Organ in December 1998 and therefore covered the clashes of May and June of that year. Moreover, the Framework Agreement is not only unambiguous in terms of redeployment of troops, but operative paragraph 7 provides for the determination of the origin of the crisis "through an investigation that will be carried out on the incidents of 6 May 1998 and on any other incident prior to that date ... including the incidents of July-August 1997".

Ethiopia's underlying motive in pursuing this approach is transparent. Ethiopia wants to be exonerated from the acts of aggression that it has perpetrated in the preceding years and to legitimize the Eritrean territories that it has occupied in the process.

Indeed, Ethiopia has persistently violated Eritrean sovereignty, international law and covenants to which it is a signatory by:

- Invading the sovereign Eritrean territories of Bada and areas in Badme in July 1997;
- Issuing unilaterally an illegal map in October 1997 redrawing Eritrea's international boundaries;
- Attacking Eritrean units in the Badme area on 6 May 1998 and starting all-out attacks against Eritrea throughout the common border, including air attacks on the capital, Asmara;
- Declaring war on Eritrea through a declaration of its Parliament on 13 May 1998.

Ethiopia's selective approach is not only untenable in terms of international law. It also defies common sense. With regard to international law, the status quo in Africa is anchored in the respect of the boundaries inherited from colonial rule. This is the sacrosanct OAU principle governing the behaviour of neighbouring countries. In the conflict between Eritrea and

Ethiopia, the restoration of the status quo ante refers to redressing any and all territorial violations that Ethiopia has perpetrated by violating this fundamental OAU principle. Ethiopia's arguments are thus nothing but an effort to gloss over its violations prior to 6 May 1998. In fact, it is tantamount to the logic of a serial killer who, when caught in the act of murdering his fifth victim, argues that he must not be held responsible for the four previous crimes, since he was not caught red-handed.

In a classic case of perversion of the truth, Ethiopia's Foreign Minister accuses the international community of "appeasing Eritrea" and urges the Security Council "to give Eritrea a clear signal that we are governed by international law and that aggression cannot pay. The time to do so may be long overdue, but it is better later than never".

If anything, the Security Council has been tolerant of Ethiopia. The Foreign Minister has finally admitted, in his letter, that Ethiopia has unleashed the large-scale offensives since 6 February this year, which have claimed and continue to claim tens of thousands of lives. (Ethiopia had earlier denied this and even fabricated the fictitious bombing of Adi-Grat by Eritrea on 5 February.) Ethiopia has perpetrated this act of aggression - and presently occupies new areas in Eritrea - in contravention of Security Council resolutions calling upon both sides to observe a cessation of hostilities. Ethiopia has further violated the moratorium on air strikes brokered by the United States Government in June last year to target civilian areas in Eritrea.

Additionally, Ethiopia has deported about 60,000 Eritreans and Ethiopians of Eritrean origin in the most inhuman manner and confiscated their life-long earnings. The international community has taken forcible measures to punish such abhorrent acts of ethnic cleansing elsewhere. On the other hand, Ethiopia's leaders have not even been reprimanded - let alone faced stern measures - for the identical crimes that they have committed and still continue to commit.

Then too, the international community remained silent when Ethiopia expelled Eritrea's ambassador to OAU and ransacked his residence in violation of the Vienna Conventions and the OAU Headquarters Agreement. This Ethiopian act has been tolerated even as Eritrea requires unhindered access to OAU while the latter is still seized of the conflict.

It is therefore Ethiopia which has been allowed to get away with acts of aggression and a catalogue full of other grave human rights violations.

The issues of the occupation of territory and aggression are not and cannot be determined solely by the declarations of one or the other party to a dispute, but by the determination of the facts by impartial third parties on the basis of objective, relevant evidence. Eritrea has been committed to any such fair determination while it rejects any attempt, direct or indirect, to make it renounce its sovereignty and territorial integrity.

Finally, Eritrea is unequivocally committed to the implementation of the Framework Agreement as clarified by OAU on 26 January 1999. Any other attempt to interpret the Framework Agreement differently will violate the integrity of

the document and will endanger peace and security in the region. In this respect, it is incumbent on the Security Council, which is ultimately responsible for the maintenance of peace and security, to ensure that its calls for cessation of hostilities, a ceasefire and the peaceful settlement of the dispute are observed by the implementation of an unadulterated OAU Framework Agreement.

Haile WELDENSAE
Minister